



## DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land – Helping to build great communities

July 11, 2016

Ms. Meri A. Meraz  
Department of Conservation  
Division of Land Resource Protection  
801 K Street, MS 14-15  
Sacramento, CA 95814

**Subject: Response to Department of Conservation's Comments on Cass Winery Conditional Use Permit and Mitigated Negative Declaration**

Dear Ms. Meraz,

Thank you for your letter dated May 23, 2016 in response to the above-referenced project. The project is scheduled for consideration before the County Planning Commission on July 14, 2016. Your letter will be included in the record and forwarded to each commissioner for their review.

The letter states that the proposed project is inconsistent with the Williamson Act and could result in significant adverse impacts to on and off site agricultural resources. Specifically, the letter raises concerns that the proposed visitor-servings uses, including temporary events, a restaurant, and an 8-room bed and breakfast inn, would increase the temporary population of the site multiple times throughout the year, which could hinder agricultural operations on and off site.

County staff has carefully reviewed the letter and respectfully disagrees with this conclusion. The following summarizes the main concerns in your letter and explains why County staff disagrees:

- 1. With regards to the proposed events, restaurant, and bed and breakfast on contracted land, the Department supports activities of an agribusiness venture on land under a Williamson Act contract as long as the facilities and activities support and promote the agricultural commodity being grown on the premises. However, it must be shown that these uses and facilities would be inherently related to the site's existing agricultural operation; and the number of attendees does not abuse the Williamson Act's leniency in allowing counties to determine the permanent or temporary human population of the agricultural area.*

The 273-acre project site supports a substantial amount of agriculture, including 145 acres of vineyards and proposed wine production of up to 20,000 cases. The proposed visitor uses would be directly related to the existing winery and vineyard. The events program would serve customers seeking a vineyard ambiance. The bed and breakfast inn would be marketed to winery visitors as an opportunity to stay overnight within a working vineyard and fully operational winery, and County staff is recommending a condition to require removal of the bed and breakfast if it's not operated in a manner that is related to the vineyard or winery.

The restaurant, which is anticipated to serve existing tasting room customers, would expand on the winery's existing food and wine pairing program by allowing the tasting room to serve made to order meals. All visitor uses would market and advertise the vineyard's wines.

Approval of the proposed project would not abuse the Williamson Act's leniency in allowing counties to determine the permanent or temporary human population of the agricultural area because the County Agricultural Preserve Review Committee evaluated the project and determined that it's consistent with the three principles of compatibility as follows:

- **First Principle** – *The long-term agricultural productivity of on and off site contracted parcels will not be significantly compromised by the use.* The project will not significantly compromise the agricultural productivity of the site because vineyard removal would be limited to a total of 2.2 acres, or approximately 1.5 percent of the site's total vineyards. After the proposed removal of vineyards, the site will still contain more than three times the minimum amount of vineyards necessary to qualify for a Williamson Act contract. Most of the proposed vineyard removal would be for the proposed 13,279 square-foot winery building, an agricultural use. Less than one acre of vineyards would be removed for the proposed bed and breakfast inn and the proposed restaurant would be established within the footprint of the existing tasting room and outdoor dining area. Also, since agriculture is the primary use of the land, it will be in the owner's economic interest to implement controls (e.g. buffer areas, temporary fencing, traffic control, etc.) to avoid conflicts between visitor uses and the on-site vineyard operation. The impacts of the project would not extend to off-site agriculture. The roadway safety analysis concluded the existing roadways are adequate for existing, including agricultural, traffic and the estimated traffic resulting from the project.
- **Second Principle** – *Agricultural operations of on site and off site contracted parcels will not be displaced by the use.* The project will not displace agricultural operations because less than one acre of vineyards (less than 1 percent of the existing 145 acres) would be removed for the proposed bed and breakfast inn. The proposed restaurant would occupy the footprint of an existing tasting room and outdoor dining area. The project will not affect off site agriculture because the site is sufficiently large to contain all of the proposed activities without infringing on adjacent properties and because the roadways serving the site are adequate to serve the proposed uses without displacing or interfering with agricultural activities on neighboring properties. Also, as described above, the visitor uses would be operated in a manner that is related to and promotes the existing vineyard and winery.
- **Third Principle** – *Significant removal of contracted acreage as well as non-contracted land from agricultural, open space use or agricultural productivity will not result from the use.* The project will not remove significant amounts of contracted acreage because vineyard removal would be limited to a total of 2.2 acres, or approximately 1.5 percent of the site's total vineyards. After the proposed removal of vineyards, the site will still contain more than three times the minimum amount of vineyards necessary to qualify for a Williamson Act contract. Most of the proposed vineyard removal would be for the proposed 13,279 square-foot winery building, an agricultural use. Less than one acre of vineyards would be removed for the proposed bed and breakfast inn and the

proposed restaurant would be established within the footprint of the existing tasting room and outdoor dining area.

2. *The events, restaurant, and bed and breakfast as described in the proposed amendment, will increase the temporary population of the site multiple times throughout the year, which can hinder agricultural operations on- and off-site.*

Since agriculture, including 145 acres of planted vineyards and wine production of up to 20,000 cases annually, is the primary use of the site, it will be in the owner's economic interest to manage the vineyard to minimize conflicts with visitor-serving uses. For instance, the owner would avoid hosting events during periods of intensive agricultural operations, such as harvest or grape crushing. If events correspond with these operations, the owner would likely implement controls (buffer areas, temporary fencing, traffic control, scheduling) that minimize conflicts between the two uses. The impacts of the project are not expected to affect off-site agriculture since the visitors' activities will be contained on this property. The project is not located in an area with a high concentration of wineries and the roadway safety analysis concluded the existing roadways have adequate capacity for existing agricultural traffic in addition to the estimated traffic resulting from the project.

3. *The Department is concerned that the County has underestimated the effects of the proposed project and that the increased population and traffic will have a negative effect on the subject property and its agricultural productivity. These types of negative effects are not limited to the project site and can often radiate to other agricultural lands. It is suggested that the County carefully consider how this project, as proposed, will remain consistent with the principles of compatibility and not cause an undue hardship to agricultural productivity of the proposed project site and agricultural operators in the surrounding area.*

As described above, the project is not expected to have a negative effect on the subject property and its agricultural productivity because less than one percent of the site's vineyards would be removed for visitor-serving uses and the remaining acreage would still be more than three times the minimum amount of vineyard land to qualify for a Williamson Act contract; the owner would implement controls to avoid or minimize conflicts between visitor uses and the vineyard operation; the roadway safety analysis concluded the existing roadways are adequate for existing agricultural and proposed visitor traffic; and the visitor uses would be directly related to and would promote the existing vineyard and winery operation. The project's consistency with the principles of compatibility is described above.

4. *The Department strongly recommends to the County that if the owners of the property under contract wish to have these events and uses, they file for nonrenewal for the portions of the property where the events, restaurants, and bed and breakfast would be located.*

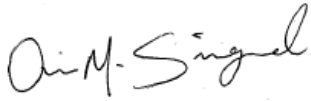
Since the Williamson Act program is a voluntary program, the land owner may at any time elect to serve the County with a notice of non-renewal and run the term of their land conservation contract. Similarly, the County could elect to serve the land owner with a notice of non-renewal if the proposed uses began interfering with agricultural productivity on or off-site, or exceeded the type or level of activity specified in the conditions of approval for the conditional use permit. The County's Rules of Procedure do not allow a

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portion of a legal parcel to be under contract so a partial non-renewal for the buildings would not be an option. Also, having the sites for the proposed uses removed from contract would not necessarily contain the effects of the proposed uses on adjacent agriculture operations.

Thank you for your comments. If you have any questions about the proposed project or staff's responses, please contact me at (805) 781-5198 or [asingewald@co.slo.ca.us](mailto:asingewald@co.slo.ca.us).

Sincerely,

A handwritten signature in cursive script, reading "Airlin M. Singewald".

Airlin M. Singewald  
Senior Planner